

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation/Petition)
To Revoke Probation Against:)**

Naeemah Howell Ghafur, M.D.)

Case No. 800-2016-025482)

**Physician's and Surgeon's)
Certificate No. A 79585)**

**Respondent)
_____)**

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on March 16, 2018.

IT IS SO ORDERED: February 15, 2018.

MEDICAL BOARD OF CALIFORNIA



**Ronald H. Lewis, M.D., Chair
Panel A**

1 XAVIER BECERRA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 BRIAN D. BILL
Deputy Attorney General
4 State Bar No. 239146
California Department of Justice
5 300 So. Spring Street, Suite 1702
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6 Telephone: (213) 269-6461
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7 *Attorneys for Complainant*

8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation/Petition to
12 Revoke Probation Against:

13 **NAEEMAH HOWELL GHAFUR, M.D.**
14 **2614 South Grand Avenue**
Los Angeles, CA 90007

15 **Physician's and Surgeon's Certificate No. A**
79585

16 Respondent.

Case No. 800-2016-025482

OAH No. 2017040448

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
22 of California (Board). She brought this action solely in her official capacity and is represented in
23 this matter by Xavier Becerra, Attorney General of the State of California, by Brian D. Bill,
24 Deputy Attorney General.

25 2. Respondent NAEEMAH HOWELL GHAFUR, M.D. (Respondent) is representing
26 herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

27 3. On or about June 26, 2002, the Board issued Physician's and Surgeon's Certificate
28 No. A 79585 to NAEEMAH HOWELL GHAFUR, M.D. (Respondent). The Physician's and

1 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in
2 Accusation/Petition to Revoke Probation No. 800-2016-025482, and will expire on February 28,
3 2018, unless renewed.

4 JURISDICTION

5 4. Accusation/Petition to Revoke Probation No. 800-2016-025482 was filed before the
6 Board, and is currently pending against Respondent. The Accusation/Petition to Revoke
7 Probation and all other statutorily required documents were properly served on Respondent on
8 March 6, 2017. Respondent timely filed her Notice of Defense contesting the Accusation/Petition
9 to Revoke Probation.

10 5. A copy of Accusation/Petition to Revoke Probation No. 800-2016-025482 is attached
11 as exhibit A and incorporated herein by reference.

12 6. In a disciplinary action entitled *In the Matter of the Petition to Revoke Probation*
13 *Against Naeemah Howell Ghafur, M.D.*, Case No. D1-2009-198969, the Board issued a decision,
14 effective November 15, 2013 ("November 2013 Decision"), in which the stay of the discipline
15 imposed by the Board *In the Matter of the Accusation Against Naeemah Howell Ghafur, M.D.*,
16 case number 20-2009-198969 ("May 2011 Decision"), was lifted and Respondent's Physician's
17 and Surgeon's Certificate was revoked. However, the revocation was stayed and Respondent's
18 Physician's and Surgeon's Certificate was continued on probation under the same terms and
19 conditions as imposed in the May 2011 Decision. Respondent's term of probation was scheduled
20 to terminate on July 1, 2016. The term of probation was tolled for 193 days, thus extending the
21 completion date until November 15, 2016. Probation was further tolled on July 15, 2016, when a
22 non-compliance letter, for failure to reimburse the Board for Probation Monitoring costs and the
23 California Physician Corps Loan Repayment Program, was served upon Respondent. A copy of
24 the May 2011 Decision is attached as Exhibit B and is incorporated herein by reference; a copy of
25 the November 2013 Decision is attached as Exhibit C and is incorporated herein by reference.

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1 settlement, without notice to or participation by Respondent. By signing the stipulation,
2 Respondent understands and agrees that she may not withdraw his agreement or seek to rescind
3 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
4 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
5 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
6 between the parties, and the Board shall not be disqualified from further action by having
7 considered this matter.

8 14. The parties understand and agree that Portable Document Format (PDF) and facsimile
9 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
10 signatures thereto, shall have the same force and effect as the originals.

11 15. In consideration of the foregoing admissions and stipulations, the parties agree that
12 the Board may, without further notice or formal proceeding, issue and enter the following
13 Disciplinary Order:

14 **DISCIPLINARY ORDER**

15 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 79585 issued
16 to Respondent NAEEMAH HOWELL GHAFUR, M.D. is revoked. However, the revocation is
17 stayed and Respondent is continued on probation for one (1) year commencing on the effective
18 date of the decision, subject to the terms and conditions set out in the Board's Decision in case
19 number 20-2009-198969, attached hereto as Exhibit B, with the following modifications:

20 1. Upon payment of the full balance owed to the Board for the California Physician
21 Corps Loan Repayment Program, \$18,851.34, the Board shall deem the past due Probation
22 Monitoring Costs paid. The amounts owed for past due Probation Monitoring Cost are as
23 follows: 2015 - \$2,092.00, and 2016 - \$3,196.00.

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1 ACCEPTANCE

2 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
3 stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into
4 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and
5 agree to be bound by the Decision and Order of the Medical Board of California.

6
7 DATED:

1/22/18



NAEEMAH HOWELL GHAFUR, M.D.
Respondent

8
9
10 ENDORSEMENT


11 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
12 submitted for consideration by the Medical Board of California.

13 Dated:

1-22-18

Respectfully submitted,

14 XAVIER BECERRA
Attorney General of California
15 JUDITH T. ALVARADO
Supervising Deputy Attorney General

16 
17 BRIAN D. BILL
18 Deputy Attorney General
19 *Attorneys for Complainant*

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Exhibit A

Accusation/Petition to Revoke Probation No. 800-2016-025482

1 XAVIER BECERRA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 State Bar No. 155307
California Department of Justice
4 300 South Spring Street, Suite 1702
Los Angeles, California 90013
5 Telephone: (213) 576-7149
Facsimile: (213) 897-9395
6 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO March 6 20 17
BY R. Firdaus ANALYST

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation and Petition to
11 Revoke Probation Against:

Case No. 800-2016-025482

12 **NAEEMAH HOWELL GHAFUR, M.D.**
13 **Central Neighborhood Health Foundation**
14 **2614 S. Grand Avenue**
Los Angeles, CA 9007

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

15 **Physician's and Surgeon's Certificate**
16 **No. A 79585,**

Respondent.

17
18
19 Complainant alleges:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) brings this Accusation and Petition to Revoke
22 Probation solely in her official capacity as the Executive Director of the Medical Board of
23 California, Department of Consumer Affairs (Board).

24 2. On or about June 26, 2002, the Medical Board issued Physician's and Surgeon's
25 Certificate Number A 79585 to Naeemah Howell Ghafur, M.D. (Respondent). The Physician's
26 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
27 herein and will expire on February 28, 2018, unless renewed.

28 ///

3. In a disciplinary action entitled *In the Matter of the Petition to Revoke Probation Against Naeemah Howell Ghafur, M.D.*, Case Number D1-2009-198969, the Board issued a decision, effective November 15, 2013 ("November 2013 Decision"), in which the stay of the discipline imposed by the Board *In the Matter of the Accusation Against Naeemah Howell Ghafur, M.D.*, Case Number 20-2009-198969 ("May 2011 Decision"), was lifted and Respondent's Physician's and Surgeon's Certificate was revoked. However, the revocation was stayed and Respondent's Physician's and Surgeon's Certificate was placed on probation until July 1, 2016, with certain terms and conditions. A copy of the May 2011 Decision is attached as Exhibit A and is incorporated herein by reference; a copy of the November 2013 Decision is attached as Exhibit B and is incorporated herein by reference.

JURISDICTION

4. This Accusation and Petition to Revoke Probation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2004 of the Code states:

“The board shall have the responsibility for the following:

“(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

“(b) The administration and hearing of disciplinary actions.

“(c) Carrying out disciplinary actions appropriate to findings made by a panel or an administrative law judge.

“(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of disciplinary actions.

“(e) Reviewing the quality of medical practice carried out by physician and surgeon certificate holders under the jurisdiction of the board.

“(f) Approving undergraduate and graduate medical education programs.

“(g) Approving clinical clerkship and special programs and hospitals for the programs in subdivision (f).

1 “(h) Issuing licenses and certificates under the board's jurisdiction.

2 “(i) Administering the board's continuing medical education program.”

3 6. Section 2227 of the Code states:

4 “(a) A licensee whose matter has been heard by an administrative law judge of the Medical
5 Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default
6 has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary
7 action with the board, may, in accordance with the provisions of this chapter:

8 “(1) Have his or her license revoked upon order of the board.

9 “(2) Have his or her right to practice suspended for a period not to exceed one year upon
10 order of the board.

11 “(3) Be placed on probation and be required to pay the costs of probation monitoring upon
12 order of the board.

13 “(4) Be publicly reprimanded by the board. The public reprimand may include a
14 requirement that the licensee complete relevant educational courses approved by the board.

15 “(5) Have any other action taken in relation to discipline as part of an order of probation, as
16 the board or an administrative law judge may deem proper.

17 “(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical
18 review or advisory conferences, professional competency examinations, continuing education
19 activities, and cost reimbursement associated therewith that are agreed to with the board and
20 successfully completed by the licensee, or other matters made confidential or privileged by
21 existing law, is deemed public, and shall be made available to the public by the board pursuant to
22 Section 803.1.”

23 7. Section 2234 of the Code, states:

24 “The board shall take action against any licensee who is charged with unprofessional
25 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
26 limited to, the following:

27 “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
28 violation of, or conspiring to violate any provision of this chapter.

“(b) Gross negligence.

“(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

“(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

“(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

“ ”

8. The probation term extended by the November 2013 Decision remains in effect due to Respondent's periods of non-practice (Condition 10) and her failure to comply with the conditions of probation (Condition 11) as will be set forth *infra*. Further, the November 2013 Decision incorporated all of the terms and conditions delineated in the May 2011 Decision.

CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

9. Respondent is guilty of unprofessional conduct and subject to disciplinary action under section 2234 of the Code in that she violated terms and conditions of probation set forth in the Disciplinary Order of the Board in Case Number D1-2009-198969. The circumstances are as follows:

10. Respondent failed to comply with Condition 1 of the November 2013 Decision, (and by incorporation therein, the May 2011 Decision), which obligated her to reimburse the Board the amount of \$26,718.34 for repayment of the California Physician Corps Loan Repayment Program Agreement. Respondent is arrears to the Board \$18,851.34, in loan repayment.

11. Respondent failed to comply with Condition 14 of the November 2013 Decision, (and by incorporation therein, the May 2011 Decision), which obligated her to pay the costs associated

1 with probation monitoring each and every year of probation. Respondent is arrears to the Board
2 \$5,288.00 in probation monitoring costs for 2015 and 2016.

3 12. Respondent failed to comply with Condition 11 of the November 2013 Decision, (and
4 by incorporation therein, the May 2011 Decision), which obligated her to comply with all
5 financial obligations 120 calendar days prior to completion of probation. Respondent's probation
6 was to end on July 1, 2016. Respondent's probation is currently tolled pursuant to Conditions 10¹
7 and 11 of the November 2013 Decision. Respondent has outstanding financial obligations due to
8 the Board in the sum of \$24,139.34.

9 **FIRST CAUSE TO REVOKE**

10 **(Loan Repayment)**

11 13. At all times after the effective date of the November 2013 Decision (incorporating
12 therein the May 2011 Decision), Condition 1, stated:

13 "Within 90 calendar days from the effective date of the Decision or other period agreed to
14 by the Board or its designee, respondent shall reimburse the Board the amount of \$26,718.34 for
15 repayment of the California Physician Corps Loan Repayment Program Agreement. This amount
16 can be repaid in installments as agreed to by the Board."

17 14. Respondent's probation is subject to revocation because she failed to comply with
18 Probation Condition 1 of the November 2013 Decision, referenced above. The facts and
19 circumstances regarding this violation are as follows:

20 15. To date, Respondent has paid only \$7,867.00 of the \$26,718.34 California Physician
21 Corps Loan.

22 ///

23
24 ¹ Condition 10 states in pertinent part: "In the event respondent resides in the State of
25 California and for any reason respondent stops practicing medicine in California, respondent shall
26 notify the Board or its designee in writing within 30 calendar days prior to the dates of non-
27 practice and return to practice. Any period of non-practice within California, as defined in this
28 Condition, will not apply to the reduction of the probationary term and does not relieve
respondent of the responsibility to comply with the terms and conditions of probation. Non-
practice is defined as any period of time exceeding thirty calendar days in which respondent is not
engaging in any activities defined in sections 2051 and 2052 of the Business and Professions
Code."

1 **SECOND CAUSE TO REVOKE**

2 **(Probation Monitoring Costs)**

3 16. At all times after the effective date of the November 2013 Decision (incorporating
4 therein the May 2011 Decision), Condition 14 stated:

5 "Respondent shall pay the costs associated with probation monitoring each and every year
6 of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs
7 shall be payable to the Medical Board of California and delivered to the Board or its designee no
8 later than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the
9 due date is a violation of probation."

10 17. Respondent's probation is subject to revocation because she failed to comply with
11 Probation Condition 14 of the November 2013 Decision, referenced above. The facts and
12 circumstances regarding this violation are as follows:

13 18. Respondent has failed to pay \$2,092.00 in probation monitoring costs for calendar
14 year 2015 and \$3,196.00 in probation monitoring costs for calendar year 2016.

15 **THIRD CAUSE TO REVOKE**

16 **(Completion of Probation)**

17 19. At all times after the effective date of the November 2013 Decision (incorporating
18 therein the May 2011 Decision), Condition 11 stated:

19 "Respondent shall comply with all financial obligations (e.g., loan repayment, probation
20 costs) not later than 120 calendar days prior to the completion of probation. Upon successful
21 completion of probation, respondent's certificate shall be fully restored."

22 20. Respondent's probation is subject to revocation because she failed to comply with
23 Probation Condition 11 of the November 2013 Decision, referenced above. The facts and
24 circumstances regarding this violation are as follows:

25 21. Respondent failed to comply with all financial obligations 120 calendar days prior to
26 completion of probation. Respondent's probation was to end on July 1, 2016, but is tolled
27 pursuant to Condition 10 of the November 2013 Decision. Respondent has outstanding financial
28 obligations due to the Board in the sum of \$24,139.34.

DISCIPLINARY CONSIDERATIONS

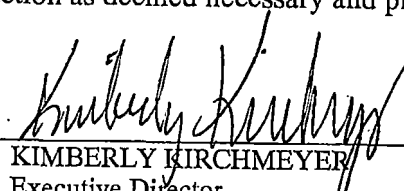
22. To determine the degree of discipline, if any, to be imposed on Respondent Naeemah Howell Ghafur, M.D., Complainant alleges that on or about May 6, 2011, in a prior disciplinary action entitled *In the Matter of the Accusation Against: Naeemah Howell Ghafur, M.D.* before the Medical Board of California, in Case Number 20-2009-198969, Respondent's license was revoked, revocation stayed, and placed on probation for five years with terms and conditions. (See Exhibit "A".) That decision was subject to a Petition to Revoke Probation in Case Number D1-2009-198969 (see Exhibit "B"), and is incorporated by reference as if fully set forth herein.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 79585, issued to Naeemah Howell Ghafur, M.D.;
2. Revoking the probation that was granted by the Medical Board of California in Case No. D1-2009-198969 and imposing the disciplinary order that was stayed thereby revoking Physician's and Surgeon's Certificate Number A 79585 issued to Naeemah Howell Ghafur, M.D.;
3. Revoking, suspending or denying approval of Naeemah Howell Ghafur, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;
4. Ordering Naeemah Howell Ghafur, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and,
5. Taking such other and further action as deemed necessary and proper.

DATED: March 6, 2017


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

LA2016502804

Exhibit B

**2011 Decision and Order – *In the Matter of the Accusation*
Against Naeemah Howell Ghafur, M.D., case number 20-2009-198969**

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:)
)
)

Naeemah Ghafur, M.D.)
)

File No. 20-2009-198969

Physician's and Surgeon's)
Certificate No. A 79585)
)

Respondent.)
_____)

DECISION

The attached Proposed Decision is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on May 6, 2011.

IT IS SO ORDERED April 6, 2011.

MEDICAL BOARD OF CALIFORNIA

By: Shelton Duruisseau
Shelton Duruisseau, Ph.D., Chair
Panel A

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

NAEEMAH HOWELL GHAFUR, M.D.,

Physician and Surgeon's Certificate No. A
79585

Respondent.

Case No. 20-2009-198969

OAH No. 2010100812

PROPOSED DECISION

Administrative Law Judge Ruth S. Astle, State of California, Office of Administrative Hearings, heard this matter in Oakland, California, on January 7, and February 4, 2011.

Brenda P. Reyes, Deputy Attorney General, represented complainant.

Respondent was not present and was not otherwise represented. Upon proof of compliance with Government Code sections 11505 and 11509, this matter proceeded as a default pursuant to Government Code section 11520.

The matter was submitted on February 4, 2011.

FACTUAL FINDINGS

1. Barbara Johnston made this accusation in her official capacity as the Executive Director of the Medical Board of California and not otherwise.

2. On June 26, 2002, the Medical Board of California issued Physician and Surgeon's Certificate Number A 79585 to Naeemah Howell Ghafur, M.D (respondent). The certificate is renewed and current to February 28, 2012.

3. On June 22, 2004, respondent signed a California Physician Corps Loan repayment Program Agreement (Agreement) with the Board in which she agreed to provide medical services for the term July 1, 2004, through June 30, 2007, at a clinic in the Los Angeles area serving the medically underserved, for which respondent would receive loan repayment in specified amounts following each of the three years of service.

4. Under the terms of the Agreement, respondent agreed to comply with all terms of the Program as specified in the governing statutes and regulations, the provisions of which were attached to the Agreement and incorporated into the Agreement by reference. The Agreement provided that all notices or other communications between the parties shall be in writing and shall be deemed properly given if delivered in person or sent by recognized overnight courier, or first class mail, to the address specified in the Agreement or another address specified in writing by a party.

5. On June 30, 2005, respondent completed one year of service and received \$22,800 in loan repayment from the Board.

6. In March 2006, respondent notified the Board that she had lost her job and was looking for a new eligible worksite. On April 30, 2006, respondent notified the Board by email that she had found employment but that it was not with a practice facility eligible under the program.

7. On June 15, 2006, after several unsuccessful attempts to contact respondent by telephone and letter, the Board sent respondent a letter by certified mail to her address of record notifying her under the provisions of the California Code of Regulations, that she must repay \$22,800 to the Board within 365 calendar days of the notification. Copies of the program regulation were included with the letter. After approximately one month, the letter was returned to the Board as "unclaimed."

8. On August 30, 2006, the Board sent respondent a letter by certified mail to her address of record which advised her, among other things, that her failure to repay the Board as demanded in the June 15, 2006 letter, constituted unprofessional conduct under the Agreement. The letter notified respondent that interest was accruing on the delinquent debt and respondent was requested to contact the Board within 30 days. The letter was returned as "Not Deliverable as Addressed, Unable to Forward."

9. On October 29, 2007, the Board again sent respondent a letter by certified mail to her address of record which advised respondent, among other things, that her failure to repay the Board as demanded in the letter of June 15, 2006, constituted unprofessional conduct under the Agreement. The letter notified respondent again that interest was accruing on the delinquent debt and respondent was requested to contact the Board within 30 days. The letter was returned as "Not Deliverable as Addressed, Unable to Forward."

10. On November 8, 2007, respondent contacted the Board by telephone and asked to repay the debt to the Board through a payment plan. Respondent also reported that she had a new address. Respondent was advised by Board staff that she was required to report a change of address to the Board in writing. That same day, the Board sent respondent by facsimile a copy of the previously sent and returned letter of October 29, 2007, and a Change of Address Form.

11. On November 14, 2007, the board sent respondent a letter by certified mail to the address she reported during the telephone call of November 8, 2007, and enclosed copies of the Board's letter to her of October 29, 2007, and a Change of Address Form. The letter notified respondent that if she did not timely respond with either objections to the Board's notice of the delinquent debt or a proposed payment plan, the Board would take disciplinary action. The letter was returned to the Board marked Unclaimed. Respondent did not submit a change of address to the Board until February 2008.

12. On November 28, 2007, respondent wrote the Board advising that she was aware that she must repay the debt, that she was unable to pay the full amount, and proposing a repayment plan of \$750 per month. On December 21, 2007, the Board sent respondent a letter by certified mail accepting her offer of a payment plan of \$750 per month. The letter set forth the terms and conditions of repayment. Two copies of the letter were enclosed and respondent was asked to sign and return one copy along with the first payment. The letter was returned to the Board as unclaimed in January 2008.

13. On December 20, 2008, respondent sent the Board a check in the amount of \$300 as repayment. The Board did not deposit this check since it did not represent the amount that respondent had agreed to pay per month.

14. Respondent's certificate to practice medicine is subject to disciplinary action for general unprofessional conduct in that she failed to pay the Board within 365 days of the notice of the demand for payment the total amount of the loan repayment paid to her under the Agreement. The Board's representative has recommended that respondent be placed on probation on terms and conditions, including that she make payments to repay the loan. As of December 31, 2010, the balanced owed by respondent is \$26,718.34. Interest continues to be accrued at the prime rate pursuant to the Agreement.

LEGAL CONCLUSIONS

1. By reason of the matters set forth in Findings 3 through 14, cause for disciplinary action exists pursuant to Business and Professions Code section 2234 (General Unprofessional Conduct) and section 2154 et seq. (Establishment of the California Physician Corps Loan Repayment Program) and California Code of Regulations, title 16, section 1313.05, subdivisions (b) (must repay within 365 days of notice) and (e) (conditions of repayment – failure to pay constitutes unprofessional conduct).

2. The Board's representative has requested that respondent be placed on probation to the Board upon standard terms and conditioned upon making monthly payments until the loan is repaid. Based on that recommendation it is appropriate to place respondent on probation.

ORDER

Physician and Surgeon's Certificate No. A 79585 issued to respondent Naeemah Howell Ghafur is revoked. However, revocation stayed and respondent is placed on probation for five years upon the following terms and conditions.

1. Loan Repayment

Within 90 calendar days from the effective date of the Decision or other period agreed to by the Board or its designee, respondent shall reimburse the Board the amount of \$26,718.34 for repayment of the California Physician Corps Loan Repayment Program Agreement. This amount can be repaid in installments as agreed to by the Board.

2. Ethics Course

Within 60 calendar days of the effective date of this Decision, respondent shall enroll in a course in ethics, at respondent's expense, approved in advance by the Board or its designee. Failure to successfully complete the course during the first year of probation is a violation of probation.

An ethics course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course, or not later than 15 calendar days after the effective date of the Decision, whichever is later.

3. Notification

Prior to engaging in the practice of medicine the respondent shall provide a true copy of the Decision and Accusation to the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to respondent, at any other facility where respondent engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to respondent. Respondent shall submit proof of compliance to the Board or its designee within 15 calendar days.

This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

4. Supervision of Physician Assistants

During probation, respondent is prohibited from supervising physician assistants.

5. Obey All Laws

Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

6. Quarterly Declarations

Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

Respondent shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

7. Probation Unit Compliance

Respondent shall comply with the Board's probation unit. Respondent shall, at all times, keep the Board informed of respondent's business and residence addresses. Changes of such addresses shall be immediately communicated in writing to the Board or its designee.

Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021, subdivision (b).

Respondent shall not engage in the practice of medicine in respondent's place of residence. Respondent shall maintain a current and renewed California physician's and surgeon's license.

Respondent shall immediately inform the Board or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days.

8. Interview with the Board or its Designee

Respondent shall be available in person for interviews either at respondent's place of business or at the probation unit office, with the Board or its designee upon request at various intervals and either with or without prior notice throughout the term of probation.

9. Residing or Practicing Out-of-State

In the event respondent should leave the State of California to reside or to practice respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is defined as any period of time exceeding 30 calendar days in which respondent is not engaging in any activities defined in sections 2051 and 2052 of the Business and Professions Code.

All time spent in an intensive training program outside the State of California which has been approved by the Board or its designee shall be considered as time spent in the practice of medicine within the State. A Board-ordered suspension of practice shall not be considered as a period of non-practice. Periods of temporary or permanent residence or practice outside California will not apply to the reduction of the probationary term. Periods of temporary or permanent residence or practice outside California will relieve respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; Probation Unit Compliance; and Cost Recovery.

Respondent's license shall be automatically cancelled if respondent's periods of temporary or permanent residence or practice outside California totals two years. However, respondent's license shall not be cancelled as long as respondent is residing and practicing medicine in another state of the United States and is on active probation with the medical licensing authority of that state, in which case the two-year period shall begin on the date probation is completed or terminated in that state.

10. Failure to Practice Medicine - California Resident

In the event respondent resides in the State of California and for any reason respondent stops practicing medicine in California, respondent shall notify the Board or its designee in writing within 30 calendar days prior to the dates of non-practice and return to practice. Any period of non-practice within California, as defined in this condition, will not apply to the reduction of the probationary term and does not relieve respondent of the responsibility to comply with the terms and conditions of probation. Non-practice is defined as any period of time exceeding thirty calendar days in which respondent is not engaging in any activities defined in sections 2051 and 2052 of the Business and Professions Code.

All time spent in an intensive training program which has been approved by the Board or its designee shall be considered time spent in the practice of medicine. For purposes of this condition, non-practice due to a Board-ordered suspension or in compliance with any other condition of probation, shall not be considered a period of non-practice.

Respondent's license shall be automatically cancelled if respondent resides in California and for a total of two years, fails to engage in California in any of the activities described in Business and Professions Code sections 2051 and 2052.

11. Completion of Probation

Respondent shall comply with all financial obligations (e.g., loan repayment, probation costs) not later than 120 calendar days prior to the completion of probation.

Upon successful completion of probation, respondent's certificate shall be fully restored.

12. Violation of Probation

Failure to fully comply with any term or condition of probation is a violation of probation. If respondent violates probation in any respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

13. License Surrender

Following the effective date of this Decision, if respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, respondent may request the voluntary surrender of respondent's license. The Board reserves the right to evaluate respondent's request and to exercise its discretion whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, respondent shall within 15 calendar days deliver respondent's wallet and wall certificate to the Board or its designee and respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation and the surrender of respondent's license shall be deemed disciplinary action. If respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

14. Probation Monitoring Costs

Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is a violation of probation.

DATED: 2/25/11

Ruth S. Astle

RUTH S. ASTLE

Administrative Law Judge

Office of Administrative Hearings

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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO June 10, 20 09
BY Alicia Mon ANALYST

8 BEFORE THE
9 MEDICAL BOARD OF CALIFORNIA
10 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 20-2009-198969

12 NAEEMAH HOWELL GHAFUR, M.D.
13 31882 Castaic Road
Castaic, California 91384

ACCUSATION

14 Physician's and Surgeon's Certificate
15 No. A 79585

16 Respondent.

17
18 Complainant alleges:

19 PARTIES

20 1. Barbara Johnston (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Director of the Medical Board of California, Department of Consumer Affairs.

22 2. On or about June 26, 2002, the Medical Board of California issued Physician's and
23 Surgeon's Certificate Number A 79585 to Naeemah Howell Ghafur, M.D. (respondent). At all
24 times relevant to the charges brought herein this license has been in full force and effect. Unless
25 renewed, the certificate will expire on February 28, 2010.

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JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2004 of the Code states:

"The board shall have the responsibility for the following:

"(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

"(b) The administration and hearing of disciplinary actions.

"(c) Carrying out disciplinary actions appropriate to findings made by a panel or an administrative law judge.

"(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of disciplinary actions.

"(e) Reviewing the quality of medical practice carried out by physician and surgeon certificate holders under the jurisdiction of the board.

5. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

6. Section 2234 of the Code provides, in relevant part, that the Board shall take action against any licensee who is charged with unprofessional conduct, which includes but is not limited to, the enforcement provisions of the Medical Practice Act.

7. Section 2154 of the Code provided for the establishment of the California Physician Corps Loan Repayment Program (Program) in the Division of Licensing of the Board.¹

¹ The Program provisions (Bus. & Prof. Code, §§ 2154 through 2154.7) were repealed on July 1, 2006. "Division of Licensing" is deemed to refer to the Board. (Bus. & Prof. Code, § 2002.)

1 8. Section 2154.3 of the Code provided, in pertinent part, that Program applicants shall
2 commit to a minimum of three years of service at an eligible practice facility in a medically
3 underserved area.

4 9. Section 2154.5 of the Code provided, in pertinent part, that under the terms of loan
5 repayment granted under the Program, after a program participant has completed one year of
6 providing physician services in a medically underserved area, the Board shall provide up to
7 \$25,000 for loan repayment.

8 10. Section 1313.05 of Title 16 of the California Code of Regulations (CCR) states:

9 “(a) A physician participating in the program shall notify the [Board] in writing within 15
10 working days of any change in the physician’s full-time status, including but not limited to, a
11 decrease in the number of hours providing medical services, termination, resignation, or leave of
12 absence in excess of the time permitted in section 1313.01(d).

13 “(b) A physician participating in the program who is unable to complete the required three
14 years of service shall pay to the Medical Board of California, within 365 calendar days after
15 notification by the [Board], an amount equal to the total amount of loan repayment paid to the
16 physician by the program. Whenever the [Board] has evidence that the physician is unable to
17 complete the required three years of service, it shall notify the participating physician of the
18 amount to be repaid to the [Board] and the date by which the physician shall make that
19 repayment:

20 “(c) A physician or the physician’s representative may petition the [Board] for
21 modification of the amount to be paid or repaid and/or the time for repayment. The petition shall
22 be in writing, accompanied by those documents necessary to establish the basis for the petition,
23 and shall be filed with the [Board] not later than 90 working days after the date of notification. A
24 petition shall be accepted for filing only if it is based on one or more of the following grounds:

25 “(1) The physician was terminated without cause.

26 “(2) The physician was unable to complete the required three years of service due to
27 factors beyond the physician’s control.

28 ///

1 “(3) Both the practice setting and the physician have agreed to the termination of the
2 physician’s employment, and the physician has been unsuccessful in obtaining subsequent
3 qualifying employment within 3 months after termination of employment.

4 “(d) The [Board] shall review the petition and supporting documents and shall notify the
5 physician in writing of its decision within 60 working days after receipt of the complete petition.

6 “(e) Failure to repay the amount due within 365 calendar days as required in subsection (a)
7 (sic) above shall constitute unprofessional conduct and is not subject to Section 2314 of the code.
8 It shall also result in the accrual of interest, at prime, on the outstanding balance, reporting of the
9 default to credit agencies, lien(s) on the physician’s personal property, and garnishment of the
10 physician’s future wages. It may also result in civil damages, including the imposition of attorney
11 fees.”

12 CAUSE FOR DISCIPLINE

13 (General Unprofessional Conduct)

14 11. Respondent is subject to disciplinary action under section 2234 of Code in that
15 respondent has engaged in general unprofessional conduct. The circumstances are as follows:

16 12. On or about June 22, 2004, respondent signed a California Physician Corps Loan
17 Repayment Program Agreement (Agreement) with the Board in which she agreed to provide
18 medical services for the term July 1, 2004, through June 30, 2007, at a clinic in the Los Angeles
19 area serving the medically underserved, for which respondent would receive loan repayment in a
20 specified amount following each of the three years of service.

21 13. Under the terms of the Agreement, respondent agreed to “comply with all terms of
22 the Program as specified” in the governing statutes and regulations, the provisions of which were
23 attached to the Agreement and incorporated by reference. The Agreement provided that all
24 notices or other communications between the parties shall be in writing and shall be deemed
25 properly given if delivered in person or sent by recognized overnight courier, or first class mail,
26 to the address specified in the Agreement or to another address specified in writing by a party.

27 14. On or about June 30, 2005, respondent completed one year of service and received
28 \$22,800 in loan repayment from the Board.

1 15. In or about March 2006, respondent notified the Board that she had lost her job and
2 was looking for a new eligible worksite. On April 30, 2006, respondent notified the Board by e-
3 mail that she had found employment but that it was not with a practice facility eligible under the
4 Program.

5 16. On June 15, 2006, after several unsuccessful attempts to contact respondent by
6 telephone and letter, the Board sent respondent a letter by certified mail to her address of record
7 notifying her under the provisions of Section 1313.05 (b) of Title 16 of the CCR , that she must
8 repay to the Board \$22,800 within 365 calendar days of the notification. Copies of the Program
9 regulations were included with the letter. Approximately one month later, the letter was returned
10 to the Board "unclaimed."

11 17. On or about August 30, 2006, the Board sent respondent a letter by certified mail to
12 her employment address, and enclosed copies of the June 15, 2006, letter and attachments, as well
13 as copies of correspondence previously sent to her but returned to the Board unclaimed. The
14 certified mail tag was returned to the Board with the signature of an agent of respondent's
15 employer.

16 18. On or about October 29, 2007, the Board sent respondent a letter by certified mail to
17 her address of record which advised respondent, among other things, that her failure to repay the
18 Board as demanded in the letter of June 15, 2006, constituted unprofessional conduct under the
19 Agreement. The letter notified respondent, among other things, that interest was accruing on the
20 delinquent debt and respondent was requested to contact the Board within 30 days. The letter was
21 returned "Not Deliverable as Addressed, Unable to Forward."

22 19. On or about November 8, 2007, respondent contacted the Board by telephone and
23 asked to repay the debt to the Board through a payment plan. Respondent also reported that she
24 had a new address. Respondent was advised by Board staff that she was required to report a
25 change of address to the Board in writing. That same day, the Board sent respondent by facsimile
26 a copy of the previously sent and returned letter of October 29, 2007, and a Change of Address
27 Form.

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1 20. On or about November 14, 2007, the Board sent respondent a letter by certified mail
2 to the address she reported during the telephone call of November 8, 2007, and enclosed copies of
3 the Board's letter to her of October 29, 2007, and a Change of Address Form. The letter notified
4 respondent that if she did not timely respond with either objections to the Board's notice of the
5 delinquent debt or a proposed payment plan, the Board would take action. The letter was
6 returned to the Board marked "Unclaimed." Respondent did not submit a change of address to
7 the Board until in or about February 2008.

8 21. On or about November 28, 2007, respondent wrote the Board advising that she was
9 aware that she must repay the debt, that she was unable to pay the full amount, and proposing a
10 repayment plan of \$750 per month. On or about December 21, 2007, the Board sent respondent a
11 letter by certified mail accepting her offer of a payment plan of \$750 per month. The letter set
12 forth the terms and conditions of repayment. Two copies of the letter were enclosed and
13 respondent was asked to sign and return one copy along with a first payment. The letter was
14 returned to the Board unclaimed in January 2008.

15 22. On or about December 20, 2008, respondent sent the Board a check in the amount of
16 \$300 as repayment.

17 23. Respondent's certificate to practice medicine is subject to disciplinary action for
18 general unprofessional conduct pursuant to Business and Professions Code section 2234, and by
19 and through Section 1313.05, subdivision (e), of Title 16 of the CCR, in that respondent has
20 failed to pay to the Board within 365 days of notice of the demand for payment the total amount
21 of loan repayment paid to her under the Agreement.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

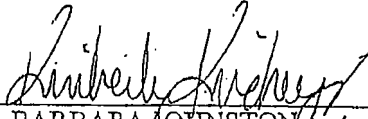
1. Revoking or suspending Physician's and Surgeon's Number A 79585, issued to Naeemah Howell Ghafur, M.D.;

2. Revoking, suspending or denying approval of Naeemah Howell Ghafur, M.D.'s authority to supervise physician's assistants, pursuant to section 3527 of the Code;

3. Ordering Naeemah Howell Ghafur, M.D., if placed on probation, to pay the Medical Board of California the costs of probation monitoring; and,

4. Taking such other and further action as deemed necessary and proper.

DATED: June 10, 2009


BARBARA JOHNSTON
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

SF2009403879
accusation.rtf

Exhibit C

**2013 Decision and Order - *In the Matter of the Petition to Revoke Probation
Against Naeemah Howell Ghafur, M.D.*, Case No. D1-2009-198969**

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Petition to
Revoke Probation Against:**

NAEEMAH HOWELL GHAFUR, M.D.

Case No. D1-2009-198969

**Physician's and Surgeon's
Certificate No. A 79585**

Respondent

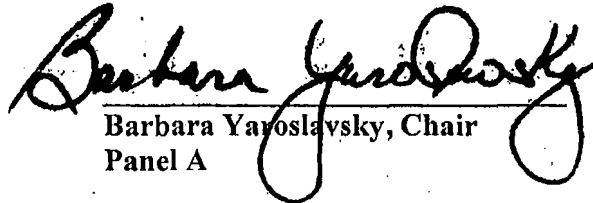
DECISION

The attached Proposed Decision is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on November 15, 2013.

IT IS SO ORDERED: October 16, 2013.

MEDICAL BOARD OF CALIFORNIA


Barbara Yaroslavy, Chair
Panel A

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke
Probation Against:

NAEEMAH HOWELL GHAFUR, M.D.
Lancaster, California

Physician's and Surgeon's Certificate No.
A 79585

Respondent.

Case No. D1-2009-198969

OAH No. 2013020360

PROPOSED DECISION

This matter was heard before Administrative Law Judge Laurie R. Pearlman, Office of Administrative Hearings, on July 15, 2013 in Los Angeles, California.

Michel W. Valentine, Deputy Attorney General, represented complainant.

Naeemah Howell Ghafur, M.D., was present and represented herself.

Oral and documentary evidence was received, and argument was heard. The record was closed and the matter was submitted for decision on July 15, 2013.

FACTUAL FINDINGS

1. On June 26, 2002, the Medical Board of California (Board) issued Physician's and Surgeon's Certificate No. A 79585 to Naeemah Howell Ghafur, M.D. (respondent). This certificate will expire on February 28, 2014, unless renewed.

2. In a disciplinary action entitled "In the Matter of the Accusation against Naeemah Howell Ghafur, M.D.," Case Number 20-2009-198969, the Board issued a Decision, effective May 6, 2011, in which respondent's Physician's and Surgeon's Certificate (certificate) was revoked due to her failure to comply with a California Physician Corps Loan repayment Program Agreement (Agreement.) Pursuant to the terms of this Agreement, respondent was to provide medical services from July 2004 through

June 2007, at a clinic in the Los Angeles area serving the medically underserved. In return, respondent would receive loan repayment from the Board in specified amounts following each of the three years of service. In June 2005, respondent completed one year of service and received \$22,800 in loan repayment from the Board. In March 2006, respondent notified the Board that she had lost her job and was looking for a new eligible worksite. In April 2006, respondent informed the Board that she had found employment, but it was not with an eligible facility. The Board demanded that respondent repay the \$22,800 within one year. When she failed to make repayment, the Board filed an Accusation. Respondent's certificate was revoked. However, the revocation was stayed and respondent's certificate was placed on probation for a period of five years with certain terms and conditions.

3. On May 17, 2012, Linda K. Whitney, the Board's Executive Director, made and filed the Petition to Revoke Probation in her official capacity. The Petition alleges that respondent failed to comply with Probation Conditions 1, 2, 6, 7 and 8 of the Board's Decision.

4. Respondent timely filed a Notice of Defense and Request for Hearing. The matter was set for an evidentiary hearing before an Administrative Law Judge of the Office of Administrative Hearings, an independent adjudicative agency of the State of California, pursuant to Government Code section 11500, et. seq.

Failure to Comply With Conditions of Probation

5. Pursuant to Probation Condition 1 of the terms and conditions of respondent's probation, within 90 calendar days from the effective date of the Decision, respondent was required to reimburse the Board \$26,718.34 in installment payments for repayment of the California Physician Corps Loan.

6. As of May 17, 2012, respondent had paid only \$1,000 to the Board as repayment of the California Physician Corps Loan.

7. Respondent's failure to timely repay the California Physician Corps Loan constitutes a violation of Probation Condition 1 of the Board's Decision, and, pursuant to the Board's Decision, constitutes cause to impose the disciplinary order of revocation, which was stayed.

8. Pursuant to Probation Condition 2 of the terms and conditions of respondent's probation, within 60 calendar days from the effective date of the Decision, respondent was required to enroll in a course in ethics, at her own expense. Failure to successfully complete the ethics course during the first year of probation is a violation of probation.

9. Respondent failed to comply with Probation Condition 2 in that she did not timely enroll in and complete the required ethics course.

10. Respondent's failure to timely enroll in and complete the ethics course constitutes a violation of Probation Condition 2 of the Board's Decision, and, pursuant to the Board's Decision, constitutes cause to impose the disciplinary order of revocation, which was stayed.

11. Pursuant to Probation Condition 6 of the terms and conditions of respondent's probation, respondent was required to submit quarterly declarations within ten days after the end of the preceding quarter, stating whether she has complied with all conditions of probation.

12. Respondent failed to comply with Probation Condition 6 in that respondent failed to timely submit her quarterly declaration due on July 10, 2011.

13. Respondent's failure to timely submit her July 2011 quarterly declaration constitutes a violation of Probation Condition 6 of the Board's Decision, and, pursuant to the Board's Decision, constitutes cause to impose the disciplinary order of revocation, which was stayed.

14. Pursuant to Probation Condition 7 of the terms and conditions of respondent's probation, respondent was required to comply with the Board's probation unit and to keep the Board informed of her current business and residence addresses at all times.

15. Respondent failed to comply with Probation Condition 7 in that respondent failed to attend her Quarter III 2011 interview with the probation unit office, which was scheduled for July 26, 2011. She also failed to attend her Quarter III 2011 interview with the probation unit office, which had been rescheduled to August 25, 2011.

16. Respondent's failure to attend her Quarter III 2011 interview constitutes a violation of Probation Condition 7 of the Board's Decision, and, pursuant to the Board's Decision, constitutes cause to impose the disciplinary order of revocation, which was stayed.

17. Pursuant to Probation Condition 8 of the terms and conditions of respondent's probation, throughout the term of her probation, respondent was required to be available in person for interviews upon request at various intervals, with or without prior notice, at her place of business or at the probation unit office.

18. Respondent failed to comply with Probation Condition 8 in that respondent failed to attend her Quarter III 2011 interview with the probation unit office, which was scheduled for July 26, 2011. She also failed to attend her Quarter III 2011 interview with the probation unit office, which had been rescheduled to August 25, 2011.

19. Respondent's failure to attend these interviews on July 26, 2011 and August 25, 2011 constitutes a violation of Probation Condition 8 of the Board's Decision, and, pursuant to the Board's Decision, constitutes cause to impose the disciplinary order of revocation, which was stayed.

Respondent's Defenses

20. Respondent stipulated to the factual allegations of the Petition and acknowledged that she has not complied with Probation Conditions 1, 2, 6, 7 and 8. She asked to be heard as to her reasons for her failure to comply with these terms as it relates to the penalty issue.

21. Respondent has suffered severe financial hardship. She provides the sole financial support for her husband (who has been unemployed for some time) and their two teenage children. In 2007, the community clinic at which she was working lost funding and she was laid off. When she lost her job, she and her family began to receive general relief, food stamps and Medi-Cal benefits. During that period, the family subsisted on \$600 per month, plus \$550 in food support. In 2011, respondent received a total of \$4,950 in unemployment benefits and in 2012, she received a total of \$19,350 in unemployment benefits. Respondent searched diligently for a qualifying clinic, but "no one was hiring." She moved with her family to the High Desert and began working intermittently at the Center for Medicare Services, whose goal is to enable the elderly to remain in their own homes for as long as possible. Because she did not have regular hours there, Board communications sent to her at this address never reached her. Respondent also took per diem slots at community clinics whenever she could. She was unemployed from the end of 2010 to June 2012, with unemployment benefits as her sole income. Respondent had 56 days of non-practice from May 6, 2011 through July 1, 2011. When she could, she worked at the Saban Free Clinic as a volunteer, beginning in July 2011.

22. As for respondent's non-compliance with probationary terms, at the time she was dealing with financial difficulties due to her loss of employment, as well as problems with her husband (from whom she is now separated) and her children and she was simply "overwhelmed with life." She explained that because she could not afford the \$2,000 fee, she was unable to register for the required ethics course by the deadline imposed by the Board. Out-of-state family members loaned her some money and she was finally able to complete the ethics course in April 2012. Regarding her quarterly declaration, respondent was late in submitting her quarterly declaration because she may have put the wrong address for the Board on the envelope. After that, she hand-carried the quarterly declaration to the Board's offices and has been fully compliant with that requirement. As for probation unit compliance, respondent missed her interview in the summer of 2011 when she was locked out of her post office box for non-payment of funds. As a result, she did not receive the interview notices sent by the Board regarding the July 2011 and August 2011 interviews.

23. Respondent is currently employed and believes that she can now comply with the conditions of probation. She began employment in June 2012 and earns \$6,000 per month working as the lead physician at the Central Neighborhood Health Foundation's clinic (clinic) near downtown Los Angeles. The clinic serves the homeless, the mentally ill, and those who cannot afford medical care, but are not Medi-Cal eligible. She commutes to the clinic daily from her home in the high desert. In a letter dated July 12, 2013, Bassett H. Brown, M.D., the clinic's CEO, describes respondent as "part caseworker, part therapist, part physician [who] draws from many resources that she has acquired throughout her career working with the underserved. She is a pleasure to work with and our patients would be at a severe disadvantage without her. . . . [S]he has a strong commitment to helping the needy, underserved, often forgotten. . . . In addition to the wonderful care that she gives patients. . . Dr. Ghafur is the lead physician working on a Diabetes Project that is designed to provide outstanding care for patients afflicted with this . . . illness." (Exhibit C.)

24. Respondent is now only two month behind on her loan repayments to the Board. She sleeps on a futon to conserve funds, plans to meet her payment obligations and intends to "struggle to pay ahead of time." Respondent requests that the Board not revoke her probation and give her another chance to meet her probationary obligations. She enjoys serving underserved patients who often lack access to healthcare and "hopes to make a difference" in her patients' lives.

LEGAL CONCLUSIONS

1. Business and Professions Code (B&P Code) section 2227 provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or subject to other discipline the Board deems proper.

2. The Board's Decision, effective May 5, 2011 contains the following provision:

Failure to comply with any term or condition of probation is a violation of probation. If respondent violates probation in any respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation or a Petition to Revoke Probation, or an Interim Suspension Order is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

3. As set forth in the Findings, it was established by clear and convincing evidence that respondent failed to comply with Probation Conditions 1, 2, 6, 7 and 8 of the Board's decision. The violation of each Probation Condition constitutes a separate cause for discipline.


4. The evidence is persuasive that respondent's failure to comply with the conditions of probation has been due primarily to her lack of funds. At hearing, respondent demonstrated she has taken action to remedy her financial circumstances so that she can meet her obligations.

5. Respondent has demonstrated that she should be afforded a final chance to comply with her probationary terms and conditions. The public interest would be served by continuing her current probationary order. Her term of probation is five years. Her probation began on May 6, 2011 and was originally scheduled to terminate on May 6, 2016. However, due to 56 days of non-practice from May 6, 2011 through July 1, 2011, her probation will terminate on July 1, 2016.

ORDER

The stay of the discipline imposed by the Board Decision "In the Matter of the Accusation against Naeemah Howell Ghafur, M.D." Case Number 20-2009-198969, is lifted and respondent's certificate is revoked. However, the revocation is stayed, and respondent shall be placed on probation until July 1, 2016, subject to the terms and conditions set out in the Board's Decision in case number 20-2009-198969.

Dated: August 26, 2013


LAURIE R. PEARLMAN
Administrative Law Judge
Office of Administrative Hearings

1 KAMALA D. HARRIS
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2 GLORIA L. CASTRO
Supervising Deputy Attorney General
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Attorneys for Complainant

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Petition to Revoke
12 Probation Against:

Case No. D1-2009-198969

13 **NAEEMAH HOWELL GHAFUR, M.D.**
14 **P.O. Box 4971**
Lancaster, California 93539-4971

PETITION TO REVOKE PROBATION

15 **Physician's and Surgeon's Certificate No.**
16 **A 79585**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Linda K. Whitney (Complainant) brings this Petition to Revoke Probation solely in
22 her official capacity as the Executive Director of the Medical Board of California (Board),
23 Department of Consumer Affairs.

24 2. On or about June 26, 2002, the Board issued Physician's and Surgeon's Certificate
25 Number A 79585 to Naeemah Howell Ghafur, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate was in effect at all times relevant to the charges brought herein and will
27 expire on February 28, 2014, unless renewed.
28

3. In a disciplinary action entitled "In the Matter of Accusation Against Naeemah Howell Ghafur, M.D.," Case No. 20-2009-198969, the Board issued a decision, effective May 6, 2011, in which Respondent's Physician's and Surgeon's Certificate was revoked. However, the revocation was stayed and Respondent's certificate was placed on probation for a period of five (5) years with certain terms and conditions. A copy of the Medical Board's decision and order is attached as Exhibit A and is incorporated here by reference.

JURISDICTION

4. This Petition to Revoke Probation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

5. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Division¹ deems proper.

6. Probation Condition 12 of the Board's Decision and Order In the Matter of the Accusation Against Naeemah Howell Ghafur, M.D., Case No. 20-2009-198969, effective May 6, 2011, states as follows:

"Failure to fully comply with any term or condition of probation is a violation of probation. If respondent violates probation in any respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation or Petition to Revoke Probation, or an Interim Suspension Order is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final."

1. Business and Professions Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term “board” as used in the State Medical Practice Act (Bus. & Prof. Code, § 2000, et seq.) means the “Medical Board of California,” and references to the “Division of Medical Quality” and “Division of Licensing” in the Act or any other provision of law shall be deemed to refer to the Board.

1 FIRST CAUSE TO REVOKE PROBATION

2 (Loan Repayment)

3 7. At all times after the effective date of Respondent's probation, Condition 1 stated:

4 "Within 90 calendar days from the effective date of the Decision or other period agreed to
5 by the Board or its designee, respondent shall reimburse the Board the amount of \$26,718.34 for
6 repayment of the California Physician Corps Loan Repayment Program Agreement. This amount
7 can be repaid in installments as agreed to by the Board."

8 8. Respondent's probation is subject to revocation because she failed to comply with
9 Probation Condition 1, referenced above. The facts and circumstances regarding this violation
10 are as follows:

11 A. To date, Respondent has paid only \$200.00 of the \$26,718.34 California Physician
12 Corps Loan.

13 SECOND CAUSE TO REVOKE PROBATION

14 (Ethics Course)

15 9. At all times after the effective date of Respondent's probation, Condition 2 stated:

16 "Within 60 calendar days of the effective date of this Decision, respondent shall enroll in a
17 course in ethics, at respondent's expense, approved in advance by the Board or its designee.
18 Failure to successfully complete the course during the first year of probation is a violation of
19 probation.

20 "An ethics course taken after the acts that gave rise to the charges in the Accusation, but
21 prior to the effective date of the Decision may, in the sole discretion of the Board or its designee,
22 be accepted towards the fulfillment of this condition if the course would have been approved by
23 the Board or its designee had the course been taken after the effective date of this Decision.

24 "Respondent shall submit a certification of successful completion to the Board or its
25 designee not later than 15 calendar days after successfully completing the course, or not later than
26 15 calendar days after the effective date of the Decision, whichever is later."

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1 10. Respondent's probation is subject to revocation because she failed to comply with
2 Probation Condition 2, referenced above. The facts and circumstances regarding this violation
3 are as follows:

4 A. Respondent has failed to enroll in and complete the required ethics course.

5 THIRD CAUSE TO REVOKE PROBATION

6 (Quarterly Declarations)

7 11. At all times after the effective date of Respondent's probation, Condition 6 stated:
8 "Respondent shall submit quarterly declarations under penalty of perjury on forms provided
9 by the Board, stating whether there has been compliance with all the conditions of probation.

10 "Respondent shall submit quarterly declarations not later than 10 calendar days after the
11 end of the preceding quarter."

12 12. Respondent's probation is subject to revocation because she failed to comply with
13 Probation Condition 6, referenced above. The facts and circumstances regarding this violation
14 are as follows:

15 A. On or about May 26, 2011, Respondent attended a Probation Intake Interview with
16 Medical Board Probation Inspector LaSota who explained all terms and conditions of probation.
17 Respondent signed an "Acknowledgment of Decision" form. Respondent also signed a
18 "Quarterly Declaration Due Dates" form. Respondent failed to submit her quarterly declaration
19 due on July 10, 2011.

20 FOURTH CAUSE TO REVOKE PROBATION

21 (Probation Unit Compliance)

22 13. At all times after the effective date of Respondent's probation, Condition 7 stated:

23 "Respondent shall comply with the Board's probation unit. Respondent shall, at all times,
24 keep the Board informed of respondent's business and residence addresses. Changes of such
25 addresses shall be immediately communicated in writing to the Board or its designee.

26 "Under no circumstances shall a post office box serve as an address of record, except as
27 allowed by Business and Professions Code section 2021, subdivision (b)..

28 "Respondent shall not engage in the practice of medicine in respondent's place of residence.

1 "Respondent shall maintain a current and renewed California physician's and surgeon's
2 license.

3 "Respondent shall immediately inform the Board or its designee, in writing, of travel to any
4 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
5 (30) calendar days."

6 14. Respondent's probation is subject to revocation because she failed to comply with
7 Probation Condition 7, referenced above. The facts and circumstances regarding this violation
8 are as follows:

9 A. On or about July 7, 2011, the Board sent Respondent a certified letter informing her
10 that her Quarter III 2011, interview was scheduled for July 26, 2011, at a probation unit office.
11 Respondent failed to attend the scheduled interview.

12 B. On or about August 11, 2011, the Board sent Respondent a letter informing her that
13 her Quarter III 2011, interview was rescheduled for August 25, 2011, at a probation unit office.
14 Respondent failed to attend the scheduled interview.

15 FIFTH CAUSE TO REVOKE PROBATION

16 (Interview with the Board or its Designee)

17 15. At all times after the effective date of Respondent's probation, Condition 8 stated:
18 "Respondent shall be available in person for interviews either at respondent's place of
19 business or at the probation unit office, with the Board or its designee upon request at various
20 intervals and either with or without prior notice throughout the term of probation."

21 16. Respondent's probation is subject to revocation because she failed to comply with
22 Probation Condition 8, referenced above. The facts and circumstances set forth in Paragraph 14,
23 subparagraphs A and B, are incorporated here by reference.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board issue a decision:

4 1. Revoking the probation that was granted by the Board in Case No. 20-2009-198969
5 and imposing the disciplinary order that was stayed, thereby revoking Physician's and Surgeon's
6 Certificate No. A 79585 issued to Respondent;

7 2. Revoking or suspending Physician's and Surgeon's Certificate No. A 79585 issued to
8 Respondent;

9 3. Revoking, suspending or denying approval of Respondent's authority to supervise
10 physician assistants pursuant to section 3527 of the Code;

11 4. Ordering Respondent to pay the Board the costs of probation monitoring, if placed on
12 probation; and

13 5. Taking such other and further action as deemed necessary and proper.

14
15 DATED: May 17, 2012


16 LINDA K. WHITNEY
17 Executive Director
18 Medical Board of California
19 Department of Consumer Affairs
20 State of California
21 Complainant

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